

FILED

JUN 13 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRED McCULLOUGH,

No. C 05-2207 MHP (pr)

Petitioner,

**ORDER STAYING ORDER THAT
PETITIONER BE RELEASED FROM
PRISON**

v.

ANTHONY P. KANE, warden,

Respondent.

Respondent has appealed from this court's order granting the petition for writ of habeas corpus in which the court ordered petitioner's release. In connection with the appeal, respondent filed an "application for stay of June 1, 2007 order and judgment pending appeal." The application is GRANTED. (Docket # 14.) Respondent need not release petitioner from custody unless and until the case is finally resolved in petitioner's favor on appeal or the United States Court of Appeals for the Ninth Circuit otherwise orders petitioner's release from custody.

IT IS SO ORDERED.

DATED: June 12, 2007


Marilyn Hall Patel
United States District Judge